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Honorable Linda B. Riegle
United States Bankruptcy Judge



5 Entered on Docket

December 05, 2011

6 ~~LEWIS AND ROCA LLP~~

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10 Attorneys for USACM Liquidating Trust

11 **UNITED STATES BANKRUPTCY COURT**
DISTRICT OF NEVADA

12 In re:

13 USA COMMERCIAL MORTGAGE
14 COMPANY,

15 Debtor.

16 Case No. BK-S-06-10725-LBR

17 CHAPTER 11

18 **ORDER SUSTAINING SEVENTEENTH
OMNIBUS OBJECTION OF USACM
LIQUIDATING TRUST TO DUPLICATE
PROOFS OF CLAIM**

19 Hearing Date: November 15, 2011

20 Hearing Time: 9:30 a.m.

21 The Court having considered the Seventeenth Omnibus Objection Of USACM
22 Liquidating Trust To Duplicate Proofs Of Claim [DE 9394], (the "Objection") at the
23 hearing held on November 15, 2011; appropriate notice of the Objection having been
24 given; no responses having been filed; and good cause appearing:

25 **IT IS ORDERED:**

- 26 1. The Objection [DE 9394] is sustained; and

1 2. The Proofs of Claims listed on **Exhibit A** are disallowed to the extent they
2 are duplicative of another Proof of Claim filed by the same claimant as indicated on
3 Exhibit A attached.

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6 PREPARED AND RESPECTFULLY SUBMITTED BY:

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8 **LEWIS AND ROCA LLP**

9 By /s/ John Hinderaker (AZ #018024)

10 Robert M. Charles, Jr.

11 John Hinderaker (*pro hac vice*)

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16 *Attorneys for USACM Liquidating Trust*

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1 LOCAL RULE 9021 CERTIFICATION

2 In accordance with LR 9021, counsel submitting this document certifies that the order
3 accurately reflects the court's ruling and that (check one):

4 _____ This Court has waived the requirement set forth in LR 9021(b)(1).

5 XXX No party appeared at the hearing or filed an objection to the motion.6 _____ I have delivered a copy of this proposed order to all counsel who
7 appeared at the hearing, and any unrepresented parties who appeared
8 at the hearing, and each has approved or disapproved the order, or
9 failed to respond, as indicated below [list each party and whether the
document]:10 _____ I certify that this is a case under Chapter 7 or 13, that I have served a
11 copy of this order with the motion pursuant to LR 9014(g), and that
no party has objected to the form or content of the order

13 U.S. Trustee: <u>Augie Landis</u>		
14 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order	
15 <input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document	
16 Other Party: _____		
17 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order	
18 <input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document	

21 Submitted by:

22 LEWIS AND ROCA LLP

23 By: /s/ John Hinderaker. (AZ #018024)

24 Attorneys for USACM Liquidating Trust

25 # # #

USACM Trust**Duplicate Claims****Exhibit A**

Claim	Date Claim was Filed	Claimants Name and Address	Direct Lender Loan	Total Claim Amount	Amount Subject to Objection	Grounds for Objection
10725-00588	10/13/2006	Humphry 1999 Trust C/O Jack & Alice Humphry Ttees 2000 Laguna St Pahrump, NV 89048-5761	Amesbury Hatters Point	186,631.00	36,631.00	Duplicate of 10725-02452
10725-02296	1/12/2007	Jayem Family Lp Jacques Massa, GP 207 Sandpiper Village Way Henderson, NV 89012	Amesbury Hatters Point	265,865.00	18,750.00	Duplicate of 10725-02298
10725-00346	9/28/2006	John & Janet Marasz Trust Did 12/2/04 c/o John T & Janet F Mrasz Ttees P.O. Box 38 Sun Valley, CA 91353-0038	Cabernet Highlands, LLC	153,846.15	107,692.30	Duplicate/Amended by 10725-00346-2
10725-00893	10/31/2006	Joyce E Smith Trust Dated 11/3/99 c/o Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	Lerin Hills, LTD	853,678.82	51,232.60	Duplicate of 10725-00899 and 10725-00902
10725-00895	10/31/2006	Joyce E Smith Trust Dated 11/3/99 c/o Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	Cabernet Highlands, LLC	853,678.82	52,915.20	Duplicate of 10725-00899 and 10725-00902
		Leonard & Barbara Baker Revocable Trust c/o Leonard & Barbara Baker Co-Trustees	Hesperia II	33,561.44	33,561.44	Duplicate of 10725-00893
10725-00976	11/3/2006	6106 Ohio Drive Apt. 1410 Plano, TX 75024	Fiesta Oak Valley	140,000.00	50,000.00	Duplicate of 10725-01178
10725-01205	11/10/2006	Lococo, Randall & Allison 3001 San Luis Ct Fort Collins, CO 80525	Binford Medical Developers	100,000.00	50,000.00	Duplicate Amended By 10725-01205-2

USACM Trust**Duplicate Claims****Exhibit A**

Claim	Date Claim was Filed	Claimants Name and Address	Direct Lender Loan	Total Claim Amount	Amount Subject to Objection	Grounds for Objection
10725-01208	11/10/2006	Monighetti, Pete 6515 Frankie Ln Prunedale, CA 93907	Fiesta Oak Valley	1,509,963.55	100,000.00	Duplicate of 10725-01208-2
10725-00099	8/15/2006	Murphy Family Trust Dr. James & Tracy Murphy Ttees c/o Christopher D Jaime Esq. P.O. Box 30000 Reno, NV 89520	Cabernet Highlands, LLC	122,753.00	99,676.08	Duplicate of 10725-00471
10725-00091	8/8/2006	Paul L & Marie Linney Trust Dated 10/25/96 c/o Paul L Linney Trustee 2079 Meritage Dr Sparks, NV 89434-2102	Corman Toltec 160, LLC	50,000.00	50,000.00	Duplicate of 10725-00174
10725-00317	10/4/2006	Pedro L & Carol A Barroso Trust Dtd 11/29/90 Pedro Luis & Carol Ann Barroso Ttee 3231 Cambridgeshire St Las Vegas, NV 89146-6223	Cabernet Highlands, LLC	168,017.76	25,000.00	Duplicate of 10725-01800